

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. In the present response, claims 1, 7, 8, 18, 24 and 26 have been amended. Claims 1-26 are pending.

Claim Rejection - 35 U.S.C. § 103(a) - Claims 18-26

Claims 18-26 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,484,011 issued to Thompson (*Thompson*) and U.S. Patent No. 7,069,573 issued to Brooks (*Brooks*). For at least the following reasons set forth below, Applicants submit that claims 18-26 are not rendered obvious by *Thompson* and *Brooks*.

Claim 18 as amended recites:

a second memory accessible by the content formatting server having second instructions stored therein, which when executed by the formatting server, direct the content formatting server to access data of the content initiator in a first data format incompatible with the handheld device, and provide converted data to the handheld device in a second format compatible with the handheld device wherein compatibility is based at least in part on ***dynamically changeable characteristics of the handheld device and the selected content is synchronized with the broadcast received by the local viewing device.***

Claim 24 as amended recites:

receiving said selected content from the formatting agent in a second data format compatible with the handheld device wherein compatibility is based at least in part on ***dynamically changeable characteristics of the handheld device and the selected content is synchronized with the broadcast received by the local viewing device.***

Claim 26 as amended recites:

providing the content catalog to a formatting agent configured to convert the content catalog into a second data format compatible with the handheld device wherein compatibility is based at least in part on ***dynamically changeable characteristics of the handheld device and the selected content is synchronized with the broadcast received by the local viewing device.***

The amendments to the claims more particularly point out how the data is formatted, that the data is formatted based on characteristics of the handheld device, and the selected content is synchronized with the broadcast received by the local viewing device.

The Office action asserts that *Brooks* discloses:

. . . receiving data in only one format and determining a processing program for the selected format and converting the data to the proper format . . .

See page 4. Applicants respectfully disagree with this conclusion.

To rely on a reference under 35 U.S.C. § 103, it must be analogous art. *Brooks* appears to disclose “converting the audio/video data from its format to the selected format through the processing program in the server based at least in part on the profile information.” See claim 1 of *Brooks*. Profile information is further defined in *Brooks*, column 10 line 66 – column 11 line 5 as: “details of the camera or other audio/video source device used by the **broadcaster** as well as the bandwidth available to the **broadcaster**, the processing unit, memory, and operating system of the **broadcaster's** server or computer.” (Emphasis added.)

The *Brooks* conversion is based capabilities of the “broadcaster.” Claims 18, 24, and 26 based conversion on the “dynamically changeable characteristics” of the handheld device. Therefore, *Brooks* is not analogous art, and the combination of elements of *Thompson* and *Brooks* is improperly motivated to teach or suggest claims 18, 24, and 26.

Even if combined, *Thompson* and *Brooks* do not teach or suggest synchronizing the selected content with the broadcast received by the local viewing device. The Office Action cites *Thompson* as viewing device receiving a broadcast, with *Brooks* is cited as a personal broadcasting and viewing method of audio and video data. Neither *Thompson*

nor *Brooks* discloses having a local viewing device, a local handheld device, and formatting agent, and synchronization among all three devices.

Claims 19-23 depend from claim 18. Claim 25 depends from claim 24. Because dependent claims include the limitations of the claims from which they depend, applicants submit that *Thompson* and *Brooks* cannot teach or suggest claims 19-23 and 25 for at least the reasons set forth above.

Claim Rejection - 35 U.S.C. § 103(a) - Claims 1-17

Claims 18-26 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. *Thompson*, *Brooks*, and U.S. Patent No. 6,560,637 issued to Dunlap (*Dunlap*.) For at least the following reasons set forth below, Applicants submit that claims 1-17 are not rendered obvious by *Thompson*, *Brooks*, and *Dunlap*.

The amendments to independent claims 1, 7, and 8 more particularly point out how the data is formatted, that the data is formatted based on characteristics of the handheld device, and the selected content is synchronized with the broadcast received by the local viewing device. As stated above, the combination of *Thompson* and *Brooks* does not teach or suggest these elements. The Office Action points to *Dunlap*, column 2 lines 10-14, as disclosing:

“ . . . local formatting on a device . . . ”

See page 9.

Dunlap does not convert data based on “dynamically changeable characteristics of the handheld device” but rather on converting “slides from a proprietary format to a standard graphical format prior to transmission . . .” See column 2 lines 11-12. This

conversion is “operative to convert the slides and documents stored in presentation files to presentation image files encoded in a standard graphical image format, such as JPEG or GIF, . . .” See column 4 lines 19-22. This is not a conversion based on characteristics of the handheld device, but rather the characteristics of the presentation files (wherein it is converted to a JPEG or GIF.) This type of conversion is fixed, and not affected by dynamically changeable characteristics of the handheld device, and therefore a much simpler conversion. (For example, the conversion does not have to deal with real-time data simplifying, as described in page 10 lines 3-20 of the specification.) Therefore, *Dunlap* does not cure the deficiencies of *Thompson* and *Brooks*, and the combination of *Thompson*, *Brooks*, and *Dunlap* cannot teach or suggest the invention as claimed in claims 1, 7, and 8.

Claims 2-6 and 10-17 depend from claim 1. Claim 9 depends from claim 8. Because dependent claims include the limitations of the claims from which they depend, applicants submit that *Thompson*, *Brooks*, and *Dunlap* cannot teach or suggest claims 2-6, 10-17, and 9 for at least the reasons set forth above.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-26 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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